

Director's Report to the Fish and Wildlife Commission  
presented by Jeffrey Koenings, Ph.D., WDFW Director  
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### A Sound Stewardship of Fish and Wildlife

We serve Washington's citizens by protecting, restoring, and enhancing fish and wildlife and their habitats, while providing sustainable fish and wildlife-related recreational and commercial opportunities.

### GOAL I: HEALTHY AND DIVERSE FISH AND WILDLIFE POPULATIONS AND HABITATS

#### DEVELOP, INTEGRATE AND DISSEMINATE SOUND FISH, WILDLIFE AND HABITAT SCIENCE.

Wind River Steelhead Monitoring: On November 4, Dan Rawding and Charlie Cochran met with USFS biologists and Russian scientists to discuss the Wind River adult and juvenile steelhead-monitoring program. USFS biologists gave an overview of factors limiting steelhead in the Wind River and a tour to demonstrate restoration projects. WDFW staff gave an overview of smolt and adult monitoring. Russian scientists were interested in PIT tag technology, adult traps, and screw traps and methods for population estimates.

#### PROTECT, RESTORE, AND ENHANCE FISH AND WILDLIFE POPULATIONS AND THEIR HABITATS.

Southeast Washington Co-Manager Cooperation on BPA funding: Habitat staff and other WDFW staff met with biologists and resource managers from the Umatilla Tribe and Nez Perce Tribe. The Umatilla Tribe meeting in Walla Walla went extremely well. WDFW and the Umatilla Tribe agreed to work together in the upcoming BPA project solicitations period. We will look for areas in which we can work cooperatively. In particular we will coordinate our activities to avoid redundancy and look for ways to combine efforts to expand our resources. The Nez Perce Tribe was interested in seeking funding for projects in the upcoming BPA round that included work on our Wildlife Areas. It was agreed that the Nez Perce Tribe would work with WDFW staff to ensure compatible methodology. WDFW will allow the work for some projects on our lands, given that the methods are acceptable. There is not much time this round to develop collaborative BPA proposals, but WDFW will benefit in the long term from establishing closer ties with our co-managers.

Kalama River Dredging: Staff worked with the Kalama Sportsmen's Club and a local contractor to complete the dredging of a shallow bar at the mouth of the Kalama River. This shallow bar

was blocking passage of at least three threatened species of salmon that were unable to migrate up the Kalama River. During low tide, water as shallow as two inches deep prevented fish passage and also resulted in stranding of the fish as the tide went out. As a result, the seals, sea lions and poachers were preying on significant numbers of fish that were delayed at the mouth of the river. The Kalama Hatchery reported that a high percentage of returning adults had "seal marks" on them. A clamshell dredge was used to dredge a 40' x 150' x 4' deep channel through the shallow gravel bar that was blocking the fish. The dredging was only a temporary solution, using drought impact funds, and is expected to last for only a few years. WDFW is working with the Port of Kalama, the property owner, for a permanent solution that will likely require placement of permanent structures to augment scouring flows and that will also reduce erosion along the Ports shoreline.

Identification of Invasive Tunicate *Ciona savignyi*: In October, staff collected samples of a solitary ascidian (tunicate) observed during a geoduck survey in southern Hood Canal. Last week, staff delivered these samples to Dr. Gretchen Lambert, an expert on ascidians. Upon gross external examination, Dr. Lambert was relatively certain the sample was the invasive species *Ciona savignyi*. The specimens have subsequently been dissected and positively identified based on internal morphology. This species is native to Japan and the observation is apparently the first documented in Hood Canal. During the previous geoduck survey of the area (1996) this species was not observed. During the 2005 survey, the species was noted on 74% of the transects (54 out of 73), and were abundant when present.

Forest Practice Board: On November 9 the Forest Practices Board initiated adopted emergency rules and passed resolutions intended to help conserve the declining population of the Northern spotted owl.

The emergency rules passed consist of:

A temporary moratorium on the practice of "decertifying" owl sites when three years of surveys fail to detect birds. This rule is in effect until June 30, 2007, at which time a federal draft recovery plan would be completed and the board can examine ramifications of decertification in light of recovery strategies and goals.

Negating the ability for suitable habitat within owl circles that was harvested under an HCP to be counted as present, when calculating the amount of habitat remaining in the circle for adjacent, non-HCP landowners. This rule was originally intended to prevent the "rush-to-cut" for landowners without HCPs. However, with today's declining populations, this rule cannot be afforded any longer.

The motions passed consist of:

A review of DNR operational procedures used to evaluate Forest Practices Applications involving suitable owl habitat.

A review and recommend changes to the rules regarding owl Landowner Option Plans and Cooperative Habitat Enhancement Agreements, with the goal of stimulating their use.

DNR will lead stakeholders to secure funding for the Landscape Level Wildlife Assessment (Element 2 of the board's Wildlife Workplan).

Requesting DNR & WDFW to meet with U.S. Dept of Interior & USFWS to explain the state's approach to owl habitat conservation and request an active role in development of the federal recovery plan.

Stakeholders will work to evaluate the state rule Spotted Owl Special Emphasis Areas (SOSEAs) for any modifications, re-evaluate the role of suitable habitat outside the owl circles, develop measurable objectives for the SOSEAs, and re-evaluate the need for habitat conservation outside the SOSEAs.

Developing and implementing an adaptive management program for the spotted owl.

Reviewing the spotted owl survey protocol, in concert with recovery planning.

Reviewing and possibly updating the Forest Practice Rules owl habitat definitions.

Kokanee Spawn At Sinlahekin Creek Restoration Project: Hundreds of Kokanee from Palmer Lake have recently spawned in the newly enhanced channel of Sinlahekin Creek. Project sponsors have completed approximately one mile of stream enhancement with a quarter mile remaining. Components of the project include the use of instream structures (wood and rock), riparian plantings with fencing, and channel reconstruction. Initial results look promising since very few Kokanee spawned here in previous years. The restoration strategy is to continue this work another mile or two downstream to Palmer Lake. As with many restoration efforts, the success of this particular project will gain the confidence of landowners downstream and will likely lead to future restoration projects. WDFW staff will continue to work with the project sponsor and landowners to ensure the continued success of this effort.

**ENSURE WDFW ACTIVITIES, PROGRAMS, FACILITIES, AND LANDS ARE CONSISTENT WITH LOCAL, STATE, AND FEDERAL REGULATIONS THAT PROTECT AND RECOVER FISH, WILDLIFE, AND THEIR HABITATS.**

Marine Recreational Tidelands in Puget Sound: Intertidal shellfish biologists from the Point Whitney Shellfish Laboratory met with the Department of Ecology, Trust For Public Lands and their GIS consultant to identify all marine recreational tidelands in Puget Sound. WDFW will provide the project with an updated public beach layer that we currently use for sport and tribal clam and oyster harvest management. In turn, we will be reviewing the datasets created by Ecology and their consultant.

#### INFLUENCE THE DECISIONS OF OTHERS THAT AFFECT FISH, WILDLIFE AND THEIR HABITATS.

Sacheen Lake Beaver Issues: Region One staff and the Habitat AD attended a Pend Oreille County Commissioners special meeting in Newport to discuss the imminent emergency associated with the "record high lake level" on Sacheen Lake. Sacheen is a part of the West Branch of the Little Spokane that includes several lakes as well as wetland complexes. Beavers are well established in the Little Spokane system and have several dams and lodges downstream of the outlet of Sacheen Lake. This has been an ongoing problem for decades with numerous fixes tried including trapping, dam deconstruction and beaver tubes/deceivers. Pend Oreille County had been refusing to sign off on the recently completed WRIA 55/57 Watershed Plan because it did not adequately address the Sacheen Lake water level problem. However, the commissioners decided to sign the WRIA 55 /57 Watershed Plan pending an MOU with DOE & WDFW. This MOU will indicate our agreement to lend technical assistance in the implementation of four strategies that will help to find a solution to this problem. In addition, the Pend Oreille Conservation District will take the lead on trying to get a permit to partially remove the beaver dams this fall/winter in an effort to lower the lake level prior to spring run off. At the same time, the lake group will move forward with a trapping plan. The County and the Conservation District will begin investigating long-term solutions and funding.

2007 Farm Bill Planning: Don Larsen met with Farm Bill Working Group of the IAFWA Agriculture Conservation Committee as one of the two western states representatives. IAFWA position papers are being prepared for each Farm Bill program and other topics that will be presented at the North American Conference in March. Don has been tasked with the lead for developing the IAFWA position paper on the Environmental Benefits Index (EBI) for the Conservation Reserve Program (CRP).

Chambers Creek Trap Site: A legislative tour was held at the Chambers Creek Trap Site and Pierce County Environmental Services Building during the week of November 14. Senator Regalla and House Representative Green were in attendance and other legislative staffers were also present. Heather Bartlett, John Kerwin, Chuck Johnson and Rich Eltrich presented information as to the need for a facility upgrade at Chambers Trap. Joe Scorcio from Pierce County talked about the land exchange for a bridge proposal and about the importance of moving

as soon as possible to secure the deal so the project will dovetail with the larger Chambers Creek Master Plan. The information was well received by both Houses. Several follow-up questions were asked. Senator Regalla requested more information. The tour was completed with a trip to the trap site. Hatchery staff gave a demonstration of how the trap is operated now and what the vision for the future is.

Gill Net Patrol: Officers performed a night gill net patrol in areas 8-2 and 10. Both tribal and non-tribal fishermen were contacted. One boat had about 20 chum rotting in the hold. The skipper could not exactly remember when the fish were caught, either 5 days earlier or 3 days earlier. He had not gotten them to a buyer and mentioned he would be throwing them away and bleaching the hold before fishing again. A wastage citation was issued.

Pierce County Biodiversity Alliance: The Alliance was awarded a \$20,000 grant from the Biodiversity Council to implement a pilot project in the Puyallup River watershed. Building on the Pierce County Biodiversity Network, this pilot project proposes to advance citizen science and develop measures of biodiversity health. The grant brings together partners from Pierce County, Puyallup Watershed Council, Pacific Education Institute, Tacoma Nature Center, and WDFW.

#### MINIMIZE ADVERSE INTERACTIONS BETWEEN HUMANS AND WILDLIFE.

Avian Influenza (AI) Activities: WDFW staff updated the agency fact sheet and responded to requests for information from Public Affairs. Staff is coordinating with UC Davis researchers and our contract veterinarian Dr. Joe Gaydos on sampling scoters for AI viruses during capture operations that began in mid-November. Kristin Mansfield participated on a USFWS conference call geared mostly towards public information officers on coordinating AI communications. We are in the process of reviewing a draft waterfowl AI surveillance plan from the Pacific Flyway Council.

#### GOAL II: SUSTAINABLE FISH AND WILDLIFE-RELATED OPPORTUNITIES PROVIDE SUSTAINABLE FISH AND WILDLIFE-RELATED RECREATIONAL AND COMMERCIAL OPPORTUNITIES COMPATIBLE WITH MAINTAINING HEALTHY FISH AND WILDLIFE POPULATIONS AND HABITATS.

Watchable Wildlife and Nature Tourism: At the 2005 Governor's Tourism Summit, held in Seattle from November 17 - 19, 2005, Governor Christine Gregoire announced her support for improved tourism opportunities associated with eco-tourism and nature-based tourism, and specifically mentioned the cooperative watchable wildlife activities of the departments of Fish and Wildlife and Community, Trade and Economic Development. She also declared that June 2006 would be a statewide, month-long Great Outdoors Month.

Late-Season Fishing Opportunity: Detachment 10 (King County) officers monitored the planting of nearly 2,000 3-5 lb rainbow trout from the Issaquah hatchery into Beaver Lake. The word spread rapidly and officers reported that the parking lot at the lake was filled to capacity with vehicles and trailers. Most fishermen were catching a few fish and those who were successful were very pleased with this late season fishing opportunity.

#### WORK WITH TRIBAL GOVERNMENTS TO ENSURE FISH AND WILDLIFE MANAGEMENT OBJECTIVES ARE ACHIEVED

Intertidal Clam and Oyster "Trades": Intertidal bivalve managers have initiated negotiations with the affected treaty tribes for resource "trades" of clam and oyster shares on several key beaches in Puget Sound. Such trades are part of the annual state-tribal bivalve management plans. Negotiations with the Tribes will be finalized by December 31. We have also received approval from State Parks for our proposed changes to clam and oyster seasons at affected State Park beaches.

Pleasant Glade Appeal (WRIA 13 - Woodland Creek): Staff met with John Konovsky (Squaxin Tribe biologist) regarding their appeal of a water right that Ecology approved. Both the Tribe and WDFW recommended denial of the water right, but in a follow-up meeting with Ecology, WDFW accepted the basis on which Ecology approved the water right, including mitigation. Staff has been identified as possible witnesses when the appeal is brought in front of the PCHB.

#### IMPROVE THE ECONOMIC WELL-BEING OF WASHINGTON BY PROVIDING DIVERSE, HIGH QUALITY RECREATIONAL AND COMMERCIAL OPPORTUNITIES.

Commercial Geoduck Environmental Assessment: Staff have completed an Environmental Assessment for a shoreline permit application to commercially harvest geoduck clams at the Peale Passage geoduck tract (#16450). The commercial tract area is located in Mason County, between Hartstene and Squaxin Islands, at the southern end of Peale Passage. The WDFW subtidal shellfish dive team completed a pre-fishing survey of the tract area in August 2005. The non-Indian portion of the tract is 119 acres containing an estimated biomass of 1,722,000 pounds. The Department of Natural Resources is expected to initiate a commercial fishery by the end of 2005 and the tract will be permitted for harvest through October 1, 2010. The opening of this tract area allows for an obligatory state harvest opportunity within the Squaxin Tribal Usual and Accustomed area.

State Park Management: Intertidal shellfish management staff from the Point Whitney Shellfish Laboratory attended the first public meeting seeking input on the long-range planning for Dosewallips State Park in Hood Canal and its satellite park areas. The Park is part of the CAMP

Project (Classification and Management Project), which seeks to plan management of the park for the next 20 years. Both Dosewallips State Park and Toandas Peninsula State Park are important intertidal shellfish beaches for sport harvesters.

### GOAL III: OPERATIONAL EXCELLENCE AND PROFESSIONAL SERVICE PROVIDE EXCELLENT PROFESSIONAL SERVICE.

Illegal Excavating: Department staff filling winter bird feeders on Chelan Butte located two individuals excavating rock from a hillside behind a closed road. Officers responded to the area and contacted the two individuals who were in possession of several hundred pounds of high quality flagstone. They had hiked several hundred yards up a ravine and then about 100 yards up a steep hill to manually excavate the stone. Further investigation revealed that one of the individuals was a professional stonemason who was working for a prominent business owner in Chelan. He was taking the stone and using it to make double the profit, instead of buying stone from a quarry. The stonemason was cited and his helper was warned. The slope from which they had removed the stone was severely disturbed and may worsen over the winter.

Fatality Hunting Accident: Officers responded to the scene of a fatal hunting accident in south Cowlitz County near the town of Cougar. Officers assisted the Cowlitz County Deputy's investigation by documenting and collecting evidence and conducting interviews. Officers and emergency personnel had great difficulty gaining access to the remote site. Officers and aid units worked their way up steep terrain, using loppers and machetes to cut away the thick vegetation, in the dark, to retrieve the victim and investigate the scene and to help the witness, who had been with the victim for over 4 hours, down the mountain. They worked on the investigation until midnight. The next day they returned in an attempt to reconstruct the scene and to collect more physical evidence. Subsequently, a WDFW Officer met with the Cowlitz County Coroner's Office who has ruled the accident as a self-inflicted gunshot. The Coroner's Office stated no medical technology could have saved the victim.

GIS Presentation at Expanding Your Horizons Conference: Tracy Trople and Noelle Nordstrom presented three interactive GIS presentations at the "Expanding Your Horizons" conference. This is an annual event presented to 6th through 8th grade girls to increase young women's interest in mathematics, science, and technology and to provide an opportunity for the girls to meet women working in non-traditional fields.

#### Deer Violations:

Officers investigated a father and son who both shot a mule deer closed season. Both men were cited and the deer were donated to the Air Force Survival School. Officers cited another father

and son team that thought they were hunting deer in Idaho. They were surprised to learn that they were almost 4 miles into Washington.

Officer Chadwick assisted Captain Cenci with a reported trespass and deer closed season. The suspect was located by Captain Cenci and ultimately confessed to killing a nice 3-point buck. The investigation revealed that the suspect shot it during a closed season, he did not have a license or tag, trespassed, and during consent to search he was found to be in possession of duck without a license. He also possessed a protected squirrel.

A WDFW Sergeant investigated a trespass complaint involving a local guide and his friend killing a whitetail on private land. This case resulted in two charges being referred to the prosecutor's office. This same guide has voiced concerns that WDFW has not aggressively investigated trespass when he is the victim, but now feels we are doing our job.

Officers implemented a planned emphasis patrol for the first day of Western Washington's Modern Firearm Deer Season. Officers from five jurisdictions gathered at the Cowlitz Wildlife Area (WLA) office for a briefing and team assignments before taking to the woods and contacting hunters. Officers found hunter concentrations extremely reduced from past years. Eleven officers contacted eighty-eight persons in the field during a ten-hour patrol, finding three wildlife-related crimes and eight traffic-related offences. However, the operations were a great success and are being talked about throughout the county. Officers from all jurisdictions enjoyed participating and look forward to a similar opportunity in the future.

Officers conducted a night patrol in the upper Washougal River area contacting a vehicle with two subjects, both with .22 rifles. The driver didn't get his .22 unloaded and was cited. The passenger had a warrant for fail to pay on a hunting violation in Skamania County.

Elk Investigations/Violations:

Officers contacted a subject regarding an archery elk poaching. Officers ran the subject and he came back as a convicted felon, violent offender. The man also had a misdemeanor warrant out of the Walla Walla Police Department. While Officers questioned the man about the elk, which he denied, he started to get very upset. The man yelled, "I think I need to punch somebody in the face." The Officers pulled him out of his vehicle and placed him in restraints. Once he was pulled out of the truck and saw he was about to get pepper sprayed he stopped resisting, except for the yelling.

Officers responded to a call reporting two elk that were shot at the Coldwater Learning Center at Mt. St. Helens. When Officers arrived they found two dead cow elk, one of which was mostly skinned out with no tag on it. The other was whole and tagged. The U.S. Forest Service Officers



cited the subject for trespass and discharging a weapon on Monument grounds. FWOs cited one subject for fail to tag. The subjects did have legal cow permits for the area.

Officer responded to a reported dispute over an elk. Three hunters were involved and one of the hunters gave up the elk and left quickly after pointing out a downed cow. The dispute was settled after finding one of the hunters had no claim to the elk and nobody even knew who he was or where he came from. Officers were able to retrieve a bullet from the cow. Not surprisingly, the caliber didn't match the two shooters that stuck around. The only description of the third shooter was a black Chevy 4-door pickup, with a first name. A WDFW Sergeant shared the information with a USFS law enforcement officer who spotted the vehicle shortly after he interviewed the suspect who admitted to shooting the cow and was charged with the violation.

Officers worked elk season in Pacific and Wahkiakum counties. Officers responded to a call in Longbeach at the request of Pacific County Sheriff's Office and observed a branch antlered bull elk that was shot and left minutes earlier. The elk was obviously shot with a rifle in a firearm-restricted area. The elk was approximately 70 yards from a house with a sliding glass door and porch that were directly in line with the elk. The reporting party said that he heard the last shot come from the sliding glass door. The subject admitted to killing the elk with a 30-30 and got scared so he left the animal without tagging it. The subject was also charged with reckless endangerment for shooting the elk in a direct line with a house on the beach.

## **IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF WDFW'S OPERATIONAL AND SUPPORT ACTIVITIES**

CALEA Update: The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) will conduct a Recognition on-site assessment for the Enforcement Program from December 3-6, 2005. This assessment will verify Enforcement's compliance with 97 Recognition standards. We first received Recognized status in 2003, and an on-site assessment must be conducted once every three years in order to remain Recognized. Chief Wayne McCoy, of the Blue Springs (MO) Police Department, will conduct the assessment through reviewing files, talking with employees both informally and during the panel review, and touring various Enforcement Program offices throughout Western Washington. If Chief McCoy recommends for CALEA to renew our Recognition award, it will be presented in March 2006 at the CALEA Spring Conference in Jacksonville, Florida.

Wild Horse Wind Power Lease: After months of wrangling over many details, WDFW is ready to sign a 25-year lease with Puget Sound Energy that will allow them to operate up to 12 wind turbines on 80 acres of WDFW land on the Whiskey Dick Wildlife Area. Revenue from the lease will be based on the amount and price of electricity generated and is estimated to be between

\$50,000 and \$100,000 per year. Revenue will be used for operations and maintenance on Region 3 wildlife areas. Construction is expected to take about a year and should start this winter. The 12 turbines on WDFW land are part of a larger project containing approximately 140 other turbines located on adjacent private and DNR lands. Another wind power developer has recently contacted WDFW to determine our interest in developing another wind farm on private lands and WDFW lands south of the Wild Horse Project. This developer has been referred to the Region 3 Office.

Oil Spill Drill, Burlington: Terasen Pipeline near Burlington hosted a "worst-case scenario" spill drill; the scenario involved simulation of the release of a large volume of crude oil from their pipeline into the Samish River. WDFW provided resource-at-risk information as well as recommendations on boom deployment and other containment and collection strategies. Approximately 150 people attended the drill.

#### DEVELOP INFORMATION SYSTEMS INFRASTRUCTURE AND COORDINATE DATA SYSTEMS TO PROVIDE ACCESS TO SERVICES AND INFORMATION

HPA Management System: This biennium, the automated HPA computer application known as Hydraulic Permit Management System (HPMS) is moving into work on Release 2. This will extend the capabilities of HPMS into new areas. The new capabilities may include HPA site inspection data for biologists and Enforcement officers, tracking of HPA appeals, and direct access to HPA data for the public. An agency team is currently working on the design of Release 2.

#### MAINTAIN A SAFE WORK ENVIRONMENT

Hazardous Spill Training: The Department of Ecology conducted a one-day training class for spill responders. The training included hazard recognition for oil spill responders, safe operating procedures, and a field exercise that emphasized team coordination and radio communications.

#### RECRUIT, DEVELOP AND RETAIN A DIVERSE WORKFORCE WITH HIGH PROFESSIONAL STANDARDS.

Ordinary High Water Line Delineations: Staff provided two training classes in OHWL delineation methodology - an abbreviated class for Region 3 in Yakima and another for Region 6 in Port Angeles. The classes went very well, with lively discussion and increased awareness and appreciation of the need to protect high flow functions for fish and wildlife habitat. There is concern for the educational and outreach needs of getting this message to the general public and others. As one of the area habitat bios put it "the science part (of this methodology) is really good, but that's not the world we live in here." We have to recognize that most practitioners

assume the scour line or bankful width is the ordinary high water line referred to in statute as the upper limit of HPA authority and other land use planning rules. Unfortunately those are usually too low and we (and the public) end up losing valuable stream habitat.

**New Regional Habitat Engineer:** The Region 5 Habitat Program has hired Pat Klavas as its Regional Habitat Engineer (EE3). Pat brings significant strength to the position with his many years of experience and his fine performance record. In addition to his regular engineering support for hydraulic-related projects within Region 5, Pat will be providing technical assistance to Regional Fish Enhancement Groups and other fish enhancement organizations.

**Officer Graduates:** Officer Dennis Flowers graduated from the Criminal Justice Training Center. He will be assigned to the Shelton station.

## **RECONNECT WITH THOSE INTERESTED IN WASHINGTON'S FISH AND WILDLIFE**

**2006-08 Hunting Season Opinion Survey:** As part of the 3-year hunting season setting process, a new survey has been posted on the WDFW website ([wdfw.wa.gov/wlm/game/scoping.htm](http://wdfw.wa.gov/wlm/game/scoping.htm)) to collect public opinions on several statewide issues. The survey, which will be posted through November 28, 2005, addresses several issues including turkey and pheasant hunting season dates, deer and elk hunting opportunities, special species drawings, and potential regulations on muzzleloader, archery, and electronic equipment. Results from this survey will help shape specific alternatives that will be presented at public meetings in January in preparation for the April 2006 Fish and Wildlife Commission meeting, where hunting season regulations will be adopted.